

Best Practices

- Eliminate across-the-board policies.
- Develop narrowly tailored written policy & procedure.
- Train managers, hiring officials, & decision makers.
- Do not ask about convictions on job applications.
- When asking questions about criminal records, limit inquiries to convictions for which exclusion would be job-related and consistent with business necessity.

In the Guidance, the Commission also lists several best practices for employers to consider when adopting or using criminal record exclusion policies. Some of these best practices include:

(1) Eliminating across-the-board policies that exclude people from employment based on any criminal record. This means avoiding lifetime bans. Have time-limits to the exclusions.

(2) Developing a narrowly tailored written policy and procedure for screening applicants and employees for criminal conduct. This includes:

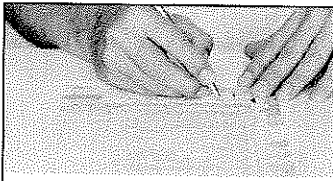
Identifying essential job requirements under actual circumstances and identify **specific offenses** that may demonstrate unfitness for job. Target those offenses.

Providing an opportunity to **explain mistakes** in record, facts or circumstances of offense, similar work without incidents, work history, rehabilitation, character references, etc.

(3) Training managers, hiring officials, and decisionmakers on how to implement the policy and procedures consistent with Title VII.

(4) Do not ask about convictions on job applications.

(5) When asking questions about criminal records, limiting inquiries to convictions for which exclusion would be job related and consistent with business necessity.



Other Precautions

- Document the policy's rationale
 - Employers may want to record justification for policies and procedures
 - Keep a record of consultations and research used to craft policy
- Keep criminal record information **confidential**.

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Documenting the policy's rationale:

So ERs may want to record its justification for policy and procedures

Keep a record of consultations and research considered in crafting the policy

Keeping criminal record information confidential.